

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JORDAN CHARLES  
DEMONTINEY,

Defendant.

CR 09-91-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on July 22, 2015. Defendant admitted he had violated Standard Condition 1 of his supervised release by leaving the District of Montana without permission, he had violated Standard Condition 2 of his supervised release by failing to report to his probation officer as directed, he had violated Special Condition 1 of his supervised release by failing to report for substance abuse testing, and he had violated Special Condition 4 of his supervised release by consuming alcohol. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of five months, with 44

months of supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Conditions 1 and 2, and Special Conditions 1 and 4. Defendant could be incarcerated for up to 60 months, followed by 60 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 5 to 11 months. A sentence of five months in custody, followed by 44 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 52) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 6th day of August, 2015.



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Brian Morris  
United States District Court Judge